

REMARKS

This Response, submitted in reply to the Office Action dated February 13, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-17 are all the claims pending in the application.

I. Rejection of claims 1-5 and 7-17 under 35 U.S.C. § 103

Claims 1-5 and 7-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice (U.S. Pub. No. 2006-0085232; hereinafter “Rice”) and in further view of applicant’s admission.

In order to reject Applicant’s claims under 35 U.S.C. § 103, the prior art cited by the Examiner must qualify as prior art under 35 U.S.C. § 102. In the present situation, the primary reference cited by the Examiner, Rice, does not qualify as prior art under 35 U.S.C. § 102. Specifically, the filing date of Rice (October 17, 2005) is after the filing date of the Applicant’s application (December 19, 2003). Therefore, Rice does not qualify as prior art under 35 U.S.C. § 102.

Further, although Rice claims priority from a provisional application, the filing date of the provisional application (October 15, 2004) is after the Applicant’s filing date (December 19, 2003), and therefore the provisional application of Rice does not qualify as prior art under 35 U.S.C. § 102. Since the art cited by the Examiner does not qualify as prior art which can be applied against the Applicant’s claims, the Examiner’s rejection of claims 1-5 and 7-17 is inappropriate and must be withdrawn.

In view of the foregoing, Applicant requests that claims 1-17 be deemed allowable.

II. Rejection of claim 6 under 35 U.S.C. § 103

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of applicant's admission and further in view of DeLorme et al. (U.S. Patent No. 5,948,040; hereinafter "DeLorme"). Applicant submits that claim 6 should be deemed allowable by virtue of its dependency to claim 4. Further, DeLorme does not cure the deficiency of Rice.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Ruthleen E. Uy
Registration No. 51,361

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